

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. QUILLING, Receiver	§	
for Advanced Financial Services, Inc.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 1:03-CV-0236
vs.	§	
	§	
TRADE PARTNERS, INC., MACATAWA	§	
BANK CORPORATION, successor by	§	
merger to GRAND BANK, THOMAS J.	§	
SMITH and CHRISTINE M. ZMUDKA,	§	
	§	
Defendants.	§	

REPORT AND RECOMMENDATION

On September 19, 2006, the Court conducted a hearing on the Receiver's Motion to Allow/Adjust Claims of Charity Davis (Claim Nos. A-03583, A-03584, and A-03585) [Docket No. 1331], at which time the parties presented evidence, applicable law and argument. Before the conclusion of the hearing, the parties announced that a settlement had been reached with respect to the claims at issue, which settlement the Court finds to be in the best interest of the receivership estate.

Accordingly, based upon the agreement of the parties, the Magistrate judge recommends that the Receiver's Motion [Docket No. 1331] be **dismissed as withdrawn**, and that Charity Davis be given the following allowed "A" viatical claims in the following amounts:

A-03583	\$40,200.00
A-03584	\$19,800.00

The Magistrate Judge further recommends that Charity Davis be given an allowed “A” IWM claim in the amount of \$118,143.34.

Respectfully submitted,

Date: September 22, 2006

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendations must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981).